



# Commission on Public Art

## Artwork in Public Spaces: Siting Guidelines

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As of 9/10/13

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# Commission on Public Art

## Artwork in Public Spaces: Siting Guidelines

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### **PART I- GENERAL INFORMATION**

#### **A. SITING GUIDELINES**

##### **1. Siting Guidelines Overview**

###### **a. Louisville's Public Art Collection**

Louisville's Public Art Collection (hereinafter referred to as "LPAC") is predominantly composed of gifts. The LPAC includes many monumental, memorial sculptures honoring significant historical figures, for example Captain George Rogers Clark, who established the first Anglo-American settlement in Kentucky in 1778; Abraham Lincoln, who was born in Kentucky; John Breckenridge Castleman, who, after a dramatic military career organizing Confederate forces to battle the Union, became the Louisville Commissioner of the Board of Parks, during which time the Louisville Olmsted Park system was created. Sculptures by renowned artist such as Enid Yandell (1870 - 1934), Felix de Weldon (1907 - 2003), and Ed Hamilton (1947 - ) built Metro's reputation as a place that appreciates quality and that has demonstrated its investment in its public art-scape. More recently, the LPAC has expanded to include Artwork commemorating civic leaders and service people, as well as street furniture including tree guards and bike racks.

###### **b. Establishment of the Commission on Public Art**

In 2010, the Commission on Public Art (hereinafter referred to as "COPA"), was established by LMCO Sections 32.001 through 32.006. COPA oversees the implementation of the Public Art Master Plan, reviews and proposes public policy concerning public art and updates to the Public Art Master Plan, advocates for public art, reviews and develops plans for the inventory, maintenance, acquisitions, and deaccession of public art owned by Metro, and reviews and approves grant applications for public art projects funded through the Louisville Public Space Art Fund.

**c. Purpose and Function of Siting Guidelines**

- (1) COPA works in partnership with Metro to ensure that the quality of Artwork being proposed meets specific criteria required by Metro, and furthers COPA's and Metro's mission to advocate for Artwork that is accessible to the public, and to maintain, preserve, and conserve existing public Artwork.
- (2) The purpose of these Siting Guidelines is to ensure that all Artwork in Public Spaces is sited through an open and transparent process that is implemented with care and attention to issues of safety, accessibility, and excellence in quality. These Siting Guidelines are designed to instruct both Metro staff responsible for managing Public Spaces, and any person that wants to put Artwork in Public Spaces, about the standard processes required for the review and approval, installation, and maintenance of Artwork.
- (3) Public Spaces, as defined in Part V, *Definitions*, may have specific rules or regulations that apply to that Public Space.
- (4) Non-Public Spaces, as defined in Part V, *Definitions*, may also have specific rules or regulations that apply to that Non-Public Space. Any Person that would like to install Artwork must be aware of whether the property is Public Space, or Non-Public Space, and what restrictions or limitations there may be on the Site.
- (5) These Siting Guidelines address and will be applied only to Public Space, and will **not** be applied to Non-Public Spaces.
- (6) These Siting Guidelines apply to donated as well as Commissioned Artworks.
- (7) It is not the intent of the Siting Guidelines to make Public Space generally available for private artistic expression. Any Artwork displayed in or on Public Space must be approved by Metro, through COPA, and any other entity with jurisdiction over the property.
- (8) These Siting Guidelines apply only to long term installations of Artwork (Artwork that will be in place for greater than 30 working days) sited in the Metro Right-of-Way. For displays that will be in place for less than 30 working days, the Department of Public Works' process for obtaining a permit for temporary objects in the Right-of-Way applies (not these Siting Guidelines). Any person that meets the permit requirements of the Department of Public Works and is granted a permit can place an item on a temporary basis in the Right-of-Way. See <http://www.louisvilleky.gov/NR/rdonlyres/42DF79BC-85B9-4C08-8215-96EAC4DF505D/0/RulesandRegsTempROW.PDF>



- (9) Metro reserves the right to only display select Artwork which has been determined by COPA to meet Metro's strict criteria of artistic excellence, feasibility, and positive social contribution, as outlined in these Siting Guidelines.
- (10) The objective of this public Artwork program is to site Artwork in all communities, serving the widest range of people.

## **2. Site Types**

### **a. Public Space**

This list of sites includes places where Artwork can be installed on Public Space and that are accessible to the public, indoors or outdoors, anywhere within the Louisville Metro area. Each site has specific constraints and permit requirements. COPA's role is to help direct the Applicant to the appropriate Department for further information. This list is in alphabetical order, with the responsible Department or entity indicated in parentheses. The responsible Department will provide instructions about its rules and approval process. Potential sites for Artwork in Public Space include but are not limited to:

- (1) Boulevards (Public Works)
- (2) Cemeteries (Metro Parks, Property Owner)
- (3) Community Centers (Metro Parks)
- (4) Footbridges (Metro Parks)
- (5) Forests (Metro Parks)
- (6) Libraries (The Library)
- (7) Louisville Loop (Metro Parks)
- (8) Parks (Metro Parks)
- (9) Parkways (Metro Parks)
- (10) Plazas (Public Works)
- (11) Police Facilities (Public Works)
- (12) Public Infrastructure (Public Works)
- (13) Sidewalks (Public Works)
- (14) Traffic Islands (Public Works)
- (15) Underpasses (Public Works)

### **b. Non-Public Space**

When the proposed site is Non-Public Space, COPA may aid the Applicant in identifying the correct owner or agency and any relevant review body to secure approvals and permissions, as deemed necessary by neighborhood associations, societies, or other relevant permission granting bodies, such as Overlay Districts or Historical Districts. The identification of the responsible entities for Non-Public Space is provided as an information source only. COPA has no role in reviewing Artwork placed on Non-Public Space. Potential sites for Artwork in Non-Public Space include but are not limited to:

- (1) Airspace (Property Owner, Kentucky Transportation Cabinet)
- (2) Airport (Louisville Regional Airport Authority)
- (3) Billboards (Property Owner)
- (4) Boulevards (Governmental Entities)
- (5) Building Facades (Property Owner)
- (6) Bus Shelters (TARC)
- (7) Courthouses (State, Federal, Property Owner)
- (8) McAlpine Locks and Dam
- (9) Parks (21st Century Parks/Parklands at Floyds Fork, Governmental Entities)
- (10) Public Infrastructure (Governmental Entities)
- (11) Public Transportation Vehicles (TARC)
- (12) Sidewalks (Kentucky Transportation Cabinet, Governmental Entities)
- (13) Traffic Islands (Kentucky Transportation Cabinet)
- (14) Underpasses (Kentucky Transportation Cabinet)
- (15) US Post Offices (Federal)

### **3. Criteria for Artwork for Public Spaces**

#### **a. Artistic excellence**

The strength of artistic concept and visualization is assessed by its:

- (1) Originality of idea and form. The Artwork proposal is innovative and challenging. It fulfills its intended function in a visually provocative way.
- (2) Site-responsiveness. The Artwork is responsive to the context of the site. For example the Artwork may respond to the historical, geographical, environmental, demographic or other notable aspects of the site.
- (3) Scale. The Artwork is appropriately scaled in relation to the site and the neighborhood or district.
- (4) Potential impact. The Artwork makes a meaningful contribution to the local, national, and international discourse about Artwork in public space. It aids in activating the site and creating a place of congregation and activity. It demonstrates potential for an ongoing, evolving relationship with site and audience.

#### **b. Community Support**

Siting Artwork in Public Space requires that the local community be involved in decision-making processes. The Artwork proposal will be considered in light of the efforts and plans made to engage neighboring property owners, business owners, and community leaders.

#### **c. Community Outreach**

The Artwork proposal must address how the Applicant will engage local stakeholders and community leaders and members.

#### **d. Community Development**

The Artwork proposal must demonstrate an intention to create a positive impact on the area's economic growth and quality of life. This can be measured by the potential for the Artwork to stimulate interest in the area.

**e. Feasibility**

Protecting and maintaining Artwork on Public Space is costly and challenging. Proposed Artworks must be made of visual media that is durable and able to withstand physical hardship. Public Artwork is extremely vulnerable to elemental and weather conditions, and vandalism. Proposed Artwork shall be structurally sound, stable through temperature and weather changes, and present no environmental or safety hazard. The terms listed provide a guide and set of criteria that must be addressed through the Artwork's design and Maintenance Plan.

**f. Compliance with laws**

- (1) All Artwork must comply with Metro codes for safety, accessibility, and lighting.
- (2) All Artwork must comply with the Americans with Disabilities Act.
- (3) All Artwork must be designed with full awareness of and in compliance with all applicable laws, including any relevant Metro laws and Metro Risk Management policies. Such laws or policies would include, but not be limited to, meeting Departmental restrictions on the use of public property, and any approval that may be required in a Historic District or an Overlay District.
- (4) Sites falling under the purview of the Department of Public Works must satisfy all terms in LMCO Sections 97.070 and 97.076, with the exception of any design requirements per LMCO Section 97.076(O).
- (5) The Applicant shall obtain a letter from Metro stating what restrictions may apply to placing Artwork on the Public Space envisioned by the Applicant. Usually this letter will come from the Department that has authority over the Artwork site. This does not constitute approval of the Artwork or approval of the actual placement of the Artwork.
- (6) If the Artwork will be located in a Historical District or an Overlay District, the Applicant shall obtain a letter from the appropriate entity within that District stating that the proposed placement of the Artwork within the District would not be in violation of any regulations of the District.

**g. Maintenance Plan**

**(1) Funding of Maintenance Required**

Artwork will not be accepted into the LPAC unless adequate bonding or funds are set aside for the maintenance of the Artwork for no less than the life of the Artwork, or for ten years, whichever is less. Such funds shall be held by Metro within the Louisville Public Space Art Fund established in LMCO Section 32.006 and the Land Development Code Section 5.12.2, item 3.

**(2) Maintenance Plan Requirements**

- a. A Maintenance Plan must be designed to support maintenance and repair of the Artwork for its entire duration in the LPAC, regardless of whether the Artwork is a temporary or a permanent object.
- b. The terms of the Maintenance Plan shall be included in the Artwork Placement Agreement with Metro, and may be included as part of an Easement.
- c. A Maintenance Plan, in accordance with accepted curatorial standards set in collaboration with the Applicant and the Artist shall include but not be limited to the following:
  - 1) A schedule of inspections of the Artwork and its site; for example, an annual assessment of the maintenance or repair needs.
  - 2) A list of suggested art conservators that would be capable of reviewing the Artwork to determine appropriate maintenance or repair.
  - 3) Details of the security needed to protect the Artwork and its site.
  - 4) Materials to be used in the maintenance or repair of the Artwork.
  - 5) A schedule of regular maintenance and the materials to be used in the maintenance.
  - 6) If the Artwork is placed on Public Space for a limited amount of time, the Maintenance Plan shall include the description of and the funding for the Artwork site to be returned to its original state by the Applicant.

**4. Deaccession or Disposal of Artwork in the Louisville Public Art Collection**

**a. Metro Surplus Property Rules Apply**

All Artwork, including any Donation of Artwork that belongs to Metro, will be subject to Metro's procedures on the disposal of surplus property. All Artwork will be utilized in Metro's best interest. Artworks which cease to be useful to Metro due to deterioration or

obsolescence, will be Deaccessioned in a manner consistent with established Metro procedures require that surplus property be either:

- (1) Transferred to another institution
- (2) Traded for another work
- (3) Sold by auction, which will be advertised
- (4) Destroyed

**b. Deaccession Guidelines**

- (1) The City should be able to deaccession Artwork only under specific circumstances, and with the recommendation of COPA.
- (2) Reasons for removal from the LPAC are:
  - a. The Artwork is a duplicate of another Artwork in the LPAC.
  - b. The Artwork is vulnerable for damage, and would be in danger by staying in the LPAC.
  - c. The Artwork is damaged beyond repair and is unsuitable or unsafe for public display.
- (3) To Deaccession Artwork, Metro's Public Art Administrator will make a presentation to COPA that shall include, but not be limited to, the following:
  - a. The reason for the Artwork's removal from the LPAC
  - b. A full description of the history of the Artwork including donor information.
  - c. A plan for the removal of the Artwork from the LPAC.
  - d. Whether the artist of the Artwork is still living.
  - e. Any written statement about the Artwork that the Artist might want to provide regarding the proposed Deaccession of the Artwork.
  - f. If the Artwork is seriously damaged and cannot be repaired, the written statement of an Artwork conservator about the Artwork's record and state of disrepair.
- (4) Any money received from the sale of any Deaccessioned Artwork will be deposited into the Louisville Public Space Art Fund, unless there are donation terms or other regulations that govern what must be done with the proceeds.

## **PART II – DONATIONS OF COMMISSIONED AND EXISTING ARTWORK**

### **A. OVERVIEW**

1. All donations of Commissioned Artwork must follow the requirements set forth in Part I and III of these Siting Guidelines, and will be required to meet the requirements set out in Part II, Section B., below, as well.

2. Any donation of an Existing Artwork shall follow the requirements set forth in Part I and III of these Siting Guidelines, and will also be required to meet the requirements set out in Part II, Section C., as well.

## **B. COMMISSIONED ARTWORK CONCEPT PROPOSAL**

### **1. Consultation with Public Art Administrator for a Commissioned Artwork Concept Proposal**

- a. Before submitting an Application under Part III of the Siting Guidelines, any donor wishing to donate a Commissioned Artwork to Metro should contact the Public Art Administrator for an initial consultation on the review and acceptance process for donating a Commissioned Artwork.
- b. Together, the Public Art Administrator and the Donor will develop a Commissioned Artwork Concept Proposal, which includes the proposed Artwork's site. This consultation is intended to ensure that proposals are sufficiently developed and documented before being submitted to the COPA Review Committee.

### **2. Review Committee Review of Commissioned Artwork Concept Proposal**

- a. After consulting with the Public Art Administrator, the Donor shall submit a Commissioned Artwork Concept Proposal (CACP) Form to the Review Committee. The CACP Form to be used by the Donor will be posted on Metro's website by COPA. The CACP Form shall include but not be limited to the following details: the artist selection process, site selection criteria, media, the fabrication and installation timetable, a maintenance plan, and a budget proposal.
- b. After review of the CACP Form, the Review Committee will make a recommendation to either approve or deny the CACP to COPA.

### **3. COPA Review of CACP**

- a. COPA shall consider the recommendation of the Review Committee and shall vote to accept or deny the proposed CACP.
- b. If COPA approves the CACP, the Donor may then start the Application Process under Part III of these Siting Guidelines.

### **4. Appeal if CACP is Denied**

- a. If the CACP is denied by COPA, the Donor can appeal in writing to the Mayor's Deputy Chief of Staff or the Mayor's designee, stating the reasons why the Donor believes the denial of the CACP by COPA was in error.

This appeal must be made within 10 days of the decision of COPA to deny the approval of the CACP.

- b. The Mayor's Deputy Chief of Staff or the Mayor's designee shall have 30 working days from the date of receipt of the appeal to either approve or deny the appeal. The Mayor's Deputy Chief of Staff or the Mayor's designee shall notify the Applicant and COPA in writing of the reasons for the approval or denial of the appeal. The Mayor's Deputy Chief of Staff or the Mayor's designee is the final authority on approving or denying a CACP.

## **C. EXISTING ARTWORK DONATION PROPOSAL**

### **1. Consultation with Public Art Administrator for an Existing Artwork Donation Proposal (EADP)**

- a. Before submitting an Application under Part III of the Siting Guidelines, any Donor wishing to donate an Existing Artwork to Metro should contact the Public Art Administrator for a consultation on the review and acceptance process for an EADP.
- b. After consulting with the Public Art Administrator, the Donor shall submit an EADP to the Review Committee. The EADP Form to be used by the Donor will be posted on Metro's website by COPA. The EADP Form shall include but not be limited to the following details:
  - (1) Name and Exhibition history of the artist
  - (2) Media used for the Artwork
  - (3) Size of the Artwork
  - (4) Date the Artwork was completed
  - (5) Estimated value of the Artwork

### **2. Review Committee Review of EADP**

- a. The Public Art Administrator will share the EADP Form submitted by the Donor to the Review Committee. If the Review Committee wishes to further consider the donation, the Review Committee may request to see the Existing Artwork.
- b. After review of the EADP Form, the Review Committee will make a recommendation to either approve or deny the EADP to COPA.

- c. If the Review Committee approves the EADP, the EADP is sent to COPA for review. The following shall be included in making a recommendation for approval to COPA:
  - (1) A recommendation on how long the Existing Artwork should remain in the Louisville Public Art Collection
  - (2) A proposed site for the Existing Artwork that meets these Siting Guidelines
  - (3) All other requirements of these Siting Guidelines

### **3. COPA Review of EADP**

- a. COPA shall consider the recommendation of the Review Committee and shall vote to accept or deny the EADP. If COPA approves the EADP, the Donor may then start the Application Process under Part II of the Siting Guidelines.
- b. If COPA approves an EADP, then the Donor's final plan for the installation and provision of future maintenance must be included in the Application as required in these Siting Guidelines.

### **4. Appeal if EADP is Denied**

- d. If the EADP is denied by COPA, the Donor can appeal in writing to the Mayor's Deputy Chief of Staff or the Mayor's designee, stating the reasons for the appeal. This appeal must be made within 10 days of the decision of COPA to deny the EADP.
- b. The Mayor's Deputy Chief of Staff or the Mayor's designee shall have 30 working days from the date of receipt of the appeal to either approve or deny the appeal. The Director shall notify the Donor and COPA in writing of the reasons for the approval or denial of the appeal. The Mayor's Deputy Chief of Staff or the Mayor's designee is the final authority on approving or denying an EADP.

## **D. METRO APPROVAL OF DONATIONS**

- 1. In addition to the provisions of Part III of these Siting Guidelines, for Artwork with an estimated value that exceeds \$5000, COPA's approval shall be a recommendation to the Mayor. Per LMCO 20.15, the Mayor must formally accept and the Metro Council must approve by resolution any acceptance of a donated Artwork with a value of greater than \$5000. The value should be determined by a written appraisal submitted by a selected appraiser mutually agreed upon between the Donor and COPA.



2. For Artwork with an estimated value of under \$5000, COPA's approval shall be a recommendation to the Mayor's Deputy Chief of Staff or the Mayor's designee.
3. All donations must comply with Metro's Donation Policy.

## **PART III - APPLICATION, APPROVAL, INSTALLATION & MAINTENANCE**

### **A. APPLICATION**

#### **1. Application Form**

- a. The Artist and Applicant work together to submit an Application in writing. The Application must meet all the requirements of these Siting Guidelines.
- b. An Application Form will be posted on Metro's website by COPA. The Form shall include, but not be limited to, the following details: artist's qualifications; conceptual scope; materials; construction methods; certificate of insurance; installation methods; installation plans; supporting architecture; duration; schedule for development, fabrication and installation; maintenance plan; funding of maintenance plan; plan for applicant's community outreach program; proposal for an interpretive program; budget; deaccession plan and timeline, including a bond for funding of the plan; a detailed budget that shows all expenses related to the creation of the Artwork, its installation, maintenance, repair, and deaccession; Easement; and, Artwork Placement Agreement.

#### **2. Applicant Responsibilities**

- a. The Applicant will be required to remain in contact with COPA throughout the approval process in order to ensure that the work remains consistent with the approved proposal and to ensure quality control. Significant changes to the approved proposal will require subsequent review(s) and approval by COPA.
- b. The Applicant is responsible for adherence to the timetable, funding, installation, insurance, maintenance, and, if applicable, the timely removal of the Artwork and restoration of the site.

#### **3. Site Approval and Application Process**

- a. If the proposal is for a commissioned Artwork, the Donor wishing to donate a Commissioned Artwork must first meet the requirements of Part II, Section B, of these Siting Guidelines.
- b. If the proposal is for an Existing Artwork, the Donor wishing to donate an Existing Artwork must first meet the requirements of Part II, Section C, of these Siting Guidelines.
- c. Applicant must provide Metro with proof of insurance that meets the insurance standards set by Metro.
- d. Applicant will meet with the Public Art Administrator to complete the Application, including all matters covered in these Siting Guidelines.
- e. Applicant will compile Application materials.
- f. Applicant will submit Application to the COPA Review Board.

## **B. REVIEW OF APPLICATION**

### **1. Review Committee Review of Application**

- a. Once the letters from Metro and any applicable District are obtained, the Applicant shall submit an Application to the COPA Review Committee.
- b. The Review Committee consists of local, national, and international Artwork professionals, public Artwork experts, and appropriate Metro personnel. Review Committee members shall include the following:
  - (1) Public Art Administrator or EGI Designee
  - (2) Visual Arts professional on COPA
  - (3) Art/Architecture Critic (local, national or international)
  - (4) Artist experienced with track record of successful public art commissions (local, national, or international)
  - (5) Representative from the Department responsible for the site
  - (6) Representative from Metro Finance Department Risk Management
- c. Within 30 working days of receiving the Application, the Review Committee will review and make a written recommendation to COPA, to either approve or deny the Application. Any decision made by the Review Committee shall be made by consensus.

### **2. COPA Review of Application**

COPA will review the Application, including the proposed site, and will make a written recommendation to approve or deny the Application to the Mayor's Deputy chief of Staff or the Mayor's designee within 60 working days from the receipt of the recommendation from the Review Committee. COPA's recommendation to approve or deny must set forth the reasons for its recommendation.

### **3. Mayor's Deputy Chief of Staff Review of Application**

- a. Mayor's Deputy Chief of Staff or the Mayor's designee shall consider the recommendation received from COPA on an Application. The Mayor's Deputy Chief of Staff or the Mayor's designee will review the Application, the written recommendation provided by COPA, the Criteria for Artwork for Public Spaces, the provisions of the Siting Guidelines, and any restrictions on the use of the Public Space by law, and shall either approve or deny the Application.
- b. The Mayor's Deputy Chief of Staff or the Mayor's designee will notify COPA and the Applicant, in writing, of the approval or denial of the Application within 30 working days from the receipt of the recommendation from COPA. The Director must set forth the reasons for the approval or denial by the Mayor's Deputy Chief of Staff or the Mayor's designee in writing.
- c. If the Application is approved by the Mayor's Deputy Chief of Staff or the Mayor's designee, COPA and the Applicant may start working with the Applicant on the commissioning, donating, or installation processes for the approved Artwork.

#### **4. Appeal if Application is Denied**

- a. If the Application is denied by the Director, the Applicant can appeal in writing to the Deputy Chief of Staff, stating the reasons why the Applicant believes the denial of the Application by the Director was in error. This appeal must be made within 10 working days of the decision of COPA to deny the approval of the Application.
- b. The Deputy Chief of Staff shall have 30 working days from the date of receipt of the appeal to either approve or deny the appeal. The Deputy Chief of Staff shall notify the Applicant and COPA in writing of the reasons for the approval or denial of the appeal. The Deputy Chief of Staff is the final authority on approving or denying an Application.

### **C. INSTALLATION AND POST-INSTALLATION**

#### **1. Installation Plan and Schedule**

The proposal must include a clear and realistic installation plan and a feasible and accurate budget.

#### **2. Lighting**

- a. Exterior Artwork(s) will be adequately lit so as to be clearly visible from sidewalks during the evening.
- b. Interior Artworks will be adequately lit during all hours of public access.

#### **3. Safety**

The design will address the safety of the Artwork, as well as the safety of visitors interacting with it, including compliance with Metro's Risk Management's requirements for insurance, indemnification, and hold harmless.

#### **4. Installation Requirements**

No installation of an Artwork may occur unless the following are in place prior to the installation:

- a. Applicant has obtained and provided a signed copy of the Easement or license that permits the Artwork to be installed at the chosen site.
- b. Metro and Applicant must have an Artwork Placement Agreement executed.
- c. The Applicant must provide COPA with written proof of insurance that meets the requirements established by Metro's Risk Management.
- d. Once the Artwork is installed, it cannot be moved or altered without written notification to Metro and the written approval of Metro and COPA.

#### **5. Post-Installation Requirements**

##### **a. Notice**

The Applicant will notify COPA when the Artwork installation has been completed.

##### **b. Final Report**

The Applicant is responsible for submitting a Final Report to COPA within 30 working days. A Final Report Form will be posted on Metro's website by COPA. The Form shall include the information contained in the Application Form, but may also include but not be limited to the following information: Site Information (location, responsible Metro agency/Department, history, rationale for selection, list of required agreements); Information about the final installed Artwork (scope, materials, construction methods, installation methods, supporting architecture, development, fabrication and installation proposed and actual timeline); Maintenance plan (duration, care, treatment, associated and funded budget); Photo documentation of fabrication and installation process; Proposed and actual budget; List of vendors used (including fabricators, installers, materials, suppliers, etc.); Copies of all related vendor agreements and contracts; Copy of artist contract; Insurance details and agreements; Report on communication and outreach with local neighborhood and community associations and businesses; documentation of dedication and/or opening of the installed Artwork

##### **b. COPA Evaluation Form**

A COPA Evaluation Form will be posted on Metro's website by COPA. The Applicant and the Artist will complete a COPA evaluation form.

##### **c. Review and Final Acceptance of Installed Artwork**

Both the Review Committee and COPA will review the completed Artwork and approve or deny its acceptance by Metro. Final approval will not be granted before the receipt of funds or a bond for the maintenance of the Artwork.

## **D. MAINTENANCE OF ARTWORK IN THE LPAC**

1. It is Metro's responsibility to maintain the Artwork in the LPAC and to use best practices, to the extent that funds are appropriated or donated for the maintenance of the LPAC, or for individual Artwork within the LPAC.
2. To the extent replacement or repair is funded in the Maintenance Plan, stolen or vandalized Artwork must be replaced or repaired as close as possible to its original form.
3. To the extent repair is funded by the Maintenance Plan, in the event repair of a work is required the artist(s) of the Artwork shall be notified and given the opportunity to complete the repair for a reasonable fee. If the original artist is not available, a qualified professional, such as an Artwork conservator, shall conduct any necessary repairs.
4. If the Artwork Placement Agreement addresses what is to occur upon the deaccession, the Artwork Site will be returned to the agreed upon state in accordance with the plans in the Artwork Placement Agreement. The Maintenance Plan must include a bond in an amount negotiated directly with COPA and the Department responsible for the site for the complete deaccession of the Artwork in accordance with this paragraph.
5. The artist usually will retain the copyright of the Artwork, unless Metro obtains the copyright from the Artist.

## **PART IV - DEFINITIONS**

### **A. APPLICANT**

Any person or entity that wants to install Artwork in a Public Space

### **B. ARTIST**

The person or persons that create or created an Artwork to be installed in a Public Space

### **C. APPLICATION FORM**

Application Form means an application created by COPA to be used by Applicants that want to install Artwork in or on Public Space.

## **D. ARTWORK**

Artwork means any object, form, or gesture created by an artist that will be located in a Public Space for greater than thirty (30) working days. Examples include but are not limited to sculptures, wall murals, street furniture, sound pieces, and video projections.

## **E. ARTWORK PLACEMENT AGREEMENT**

Artwork Placement Agreement means the contract between an Applicant and Metro, through COPA, for the placement of an Artwork in Public Space. The Agreement sets out the terms of the Artwork project, including, but not limited to: installation, post-installation, maintenance, deaccessioning of the Artwork, the waiver of any rights covered in the Federal Visual Arts Rights Act that interferes with the Easement or this Agreement, and such other terms as required by COPA, Metro, or the Jefferson County Attorney. The Agreement is signed, approved by COPA and the Jefferson County Attorney's Office.

## **F. CHIEF OF ECONOMIC GROWTH AND INNOVATION or CHIEF OF EGI**

The Metro Chief of Economic Growth and Innovation

## **G. COMMISSIONED ARTWORK**

Commissioned Artwork means a piece of new Artwork that will be created to be donated to Metro pursuant to Section B of these Siting Guidelines.

## **H. COMMISSIONED ARTWORK CONCEPT PROPOSAL or CACP**

The written proposal of a Donor to donate Commissioned Artwork to Metro

## **I. COMMISSION ON PUBLIC ART or COPA**

The Commission on Public Art established by LMCO Sections 32.001 through 32.006

## **J. DEACCESSION**

The de-acquisition or removal of Artwork on or in a Public Space and returning the Public Space to either its condition just prior to installation of the Artwork, or in accordance with plans set out in Artwork Placement Agreement between Metro and the Applicant.

**K. DEACCESSION AGREEMENT**

Part of the Artwork Placement Agreement; a written agreement between Metro and the Applicant that addresses what the Artwork site must look like when or if there is a Deaccession of the Artwork.

**L. DEPARTMENT**

The Metro division of government that has authority over Public Space

**M. DEPARTMENT OF PUBLIC WORKS**

The Metro Department that is responsible for Metro's roads and rights of way

**N. DISTRICT**

Any district that has authority over property pursuant to state or local law, including but not limited to an Historical District or Overlay District

**O. DONATED ARTWORK**

Any piece of Artwork, whether Existing or Commissioned, to be donated to Metro pursuant to LMCO Section 20.15 or the Office of Management and Budget Donation Policy

**P. EASEMENT**

An interest in land, less than fee simple, which restricts the use of the property or a portion of the property, that is signed, notarized, and recorded with the Jefferson County Clerk and transferred by the owner thereof to the public, either in perpetuity or for a term of years

**Q. ECONOMIC GROWTH AND INNOVATION or EGI**

The Metro Department of Economic Growth and Innovation

**R. EVALUATION FORM**

A form created by COPA for an Applicant to fill out after a Final Report is given to COPA on the installation of an Artwork

**S. EXISTING ARTWORK**

Artwork that has already been created that an Applicant seeks to donate to Metro pursuant to these Siting Guidelines

## **T. EXISTING ARTWORK DONATION PROPOSAL or EADP**

A proposal to install an existing Artwork in or on Public Space

## **U. FINAL REPORT FORM**

A form created by COPA that an Applicant must provide to COPA after the installation of an Artwork is complete

## **V. GOVERNMENTAL ENTITY**

Any government other than Metro, including but not limited to, cities of the second through sixth class, federal government, or state government

## **W. HISTORICAL DISTRICT**

Any Historic Landmarks and Preservation District created pursuant to LMCO 32.250 to 32.263

## **X. LOUISVILLE PUBLIC ART COLLECTION or LPAC**

The collection of Artworks owned or managed by Metro. Artwork can only enter into the LPAC with the recommendation of COPA and the approval of EGI

## **Y. LOUISVILLE PUBLIC SPACE ART FUND**

The Fund created in LMCO 32.006 to provide grants to 501(c)(3) organizations to undertake public art projects as determined by COPA and to pay compensation or consultant fees associated with the Public Art Administrator.

## **Z. MAINTENANCE PLAN**

A written document, developed by the Applicant and approved by COPA that details what actions, maintenance, and conservation (and the project cost and time needed for those actions), need to take place in order to keep the Artwork in good shape and to address the repair of any damage to the Artwork

## **AA.MAYOR'S DEPUTY CHIEF OF STAFF**



**BB. METRO**

Louisville/Jefferson County Metro Government

**CC. METRO COUNCIL**

The legislative body of the Louisville/Jefferson County Metro Government

**DD. NON-PUBLIC SPACE.**

Any property not under the ownership or control of Metro, and includes but is not limited to, property that is privately owned, or under the ownership or responsibility of a different Governmental Entity.

**EE.OVERLAY DISTRICT**

Any Overlay District created by Ordinance pursuant to LMCO Chapter 162

**FF. PERSON**

Any individual, organization, group, entity, company, firm, corporation, partnership, trust, trustee, lessee, receiver, or other such entity

**GG. PUBLIC ART ADMINISTRATOR**

The position created in LMCO Section 32.005, or a person designated by the Public Art Administrator.

**HH. PUBLIC ART MASTER PLAN**

The Louisville Public Art Master Plan adopted in 2009 and developed by Creative Time, through a contract with Metro.

**II. PUBLIC SPACE**

Property under the ownership or control of Metro; PUBLIC SPACE does **not** mean any privately owned property, or property under the ownership or responsibility of a different Governmental Entity.

**JJ. REVIEW COMMITTEE**

The COPA created Review Committee, which will review all proposed, commissioned, or donated Artwork applications that COPA receives, and will make recommendations to the full COPA based on these Siting Guidelines

## **KK. RIGHT OF WAY**

The area adjacent to any public road, street, avenue, alley, boulevard, highway, lane, parkway, court, or other public way, including the berm, shoulder, or any Public Space adjacent thereto; bridge, viaduct, trestle, and the approaches to them; or sidewalk.

## **LL. SITE**

A place, inside or outside, that is accessible to the public during regular operating hours within a Public Space

## **MM. SITING GUIDELINES**

This document, *Artwork in Public Spaces: Siting Guidelines*, adopted by COPA

## **NN. VISUAL MEDIA**

A wide variety of materials used in creating Artwork including but not limited to:

1. Painting (of all media, including both portable and permanently affixed works)
2. Sculpture (which may be in the round, bas-relief, high relief, mobile, fountain, kinetic, electronic, architectural)
3. Prints and drawings
4. Glass
5. Lighting
6. Calligraphy
7. Mosaics
8. Photography
9. Moving image Artwork
10. Ceramics
11. Fiber and textiles, wood, metals, paving, plant materials, plastics, crafts, artifacts
12. Mobiles
13. Fountains
14. Kinetic or electronic Artworks
15. Sound Artwork